

REMARKS

Initially, in the Office Action the Examiner has rejected claims 1 – 3, 5, 7 – 13, 15 – 24, 32 – 38, 40 – 42, 48 – 52 and 54 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0076408 (Dutta) in view of U.S. Patent Application Publication No. 2002/0102966 (Lev et. al.).

By the present response, Applicant has amended claims 1, 17, 32 and 48 to further clarify the invention. Claims 1 – 3, 5, 7 – 13, 15-24, 32 – 38, 40-42, 48 – 52 and 54 remain pending in the present application.

35 U.S.C. §103 Rejections

Claims 1 – 3, 5, 7 – 13, 15 - 24, 32 – 38, 40 – 42, 48 – 52 and 54 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Dutta in view of Lev et al. Applicant has discussed the deficiencies of Dutta in Applicant's previously filed responses and reasserts all arguments submitted in those responses. Applicant respectfully traverses these rejections and provides the following additional remarks.

Regarding claims 1, 17, 32 and 48, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose, suggest or render obvious the limitations in the combination of each of these claims of, *inter alia*, wherein the predetermined function comprises decoding data from one or more images to reprogram a communication device. The Examiner admits that Dutta does not disclose or suggest these limitations but asserts that Lev et al. discloses these limitations in Fig.2 and paragraphs 0069-0072. However, these portions merely disclose a server 205 retrieving info regarding a product (e.g., price, availability, qualities, rating, limitations on sale, etc.), reformatting the info for display on a target device 206, and presenting menus and activities on a display of the target device for inquiring or purchasing the product, and that the same info can be sent to other display devices. This is not the predetermined function comprising decoding data from one or more images to reprogram a communication device, as recited in the claims of the present application. Lev et al. merely discloses a server retrieving info regarding a product and presenting info on a display of a target device for inquiring or purchasing the product.

Regarding claims 2, 3, 5, 7-13, 16, 18-24, 33-38, 40-42, 49-52 and 54, Applicant submits that these claims are dependent on one of independent claims 1, 17, 32 and 48 and, therefore, are patentable at least for the same reasons noted previously regarding these independent claims.

Accordingly, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose, suggest or render obvious the limitations in the combination of each of claims 1 – 3, 5, 7 – 13, 15-24, 32 – 38, 40-42, 48 – 52 and 54 of the present application. Applicant respectfully requests that these rejections be withdrawn and that these claims be allowed.

Conclusion

In view of the foregoing remarks, Applicant submits that claims 1 – 3, 5, 7 – 13, 15-24, 32 – 38, 40-42, 48 – 52 and 54 are now in condition for allowance. Accordingly, early allowance of such claims is respectfully requested.

If the Examiner has any questions about the present Amendment or anticipates finally rejecting any claim of the present application, a telephone interview is requested.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 13-4365.

Respectfully submitted,

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